

July 15, 2010

Mr. James Lenois  
Manager, Haddam Neck Plant Independent  
Spent Fuel Storage Installation  
Connecticut Yankee Atomic Power Company  
362 Injun Hollow Road  
East Hampton, CT 06424-3099

SUBJECT: EXEMPTION FROM 10 CFR 72.212 AND 72.214 FOR DRY SPENT FUEL STORAGE ACTIVITIES - HADDAM NECK PLANT INDEPENDENT SPENT FUEL STORAGE INSTALLATION (TAC NO. L24373)

Dear Mr. Lenois:

This is in response to your letter dated September 1, 2009, requesting an exemption from 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 72.214, pursuant to 10 CFR 72.7. In your letter you stated that Connecticut Yankee Atomic Power Company (CYAPCO) desired to adopt Amendment No. 5 to Certificate of Compliance (CoC) No. 1025 for all canisters at the site. Adoption of the changes authorized by Amendment No. 5 will allow a visual alternative to Technical Specification (TS) Surveillance Requirement 3.1.6.1 to verify the operability of the concrete cask heat removal system to maintain safe storage conditions and will also remove a specification in the CoC for tamper indicating devices. CoC No. 1025, Amendment No. 5 was authorized by the NRC on July 24, 2007. CYAPCO also requested continuation of an exemption from the requirements in Appendix A, TS for the NAC-MPC System, Section A 5.1, Training Program. This exemption would relieve CYAPCO from the requirement to develop training modules under the Systems Approach to Training that include comprehensive instructions for the operation and maintenance of the independent spent fuel storage installation, except for the NAC-MPC System. The NRC has previously granted a similar exemption to CYAPCO from the requirements of CoC No. 1025, Amendment No. 4, in its letter to CYAPCO dated September 22, 2005 (Agencywide Document Access and Management System (ADAMS) Accession No. ML052660399).

The NRC staff evaluated the public health and safety and environmental impacts of the proposed exemption and determined that granting the exemption would not result in any significant impacts. For this action, an Environmental Assessment and Finding of No Significant Impact have been prepared and published in the Federal Register (70 FR 34181, June 16, 2010). A copy of the Federal Register Notice was provided to you by letter dated June 7, 2010. Based on the foregoing considerations, the staff has determined that granting the proposed exemption from specific provisions of 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 10 CFR 72.214 is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC staff has concluded that the proposed changes will not pose an increased risk to public health and safety.

J. Lenois

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Accordingly, the exemption will be effective immediately.

If you have any questions, please contact me at 301-492-3325.

Sincerely,

**/RA/**

John Goshen, P. E., Project Manager  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Material Safety  
and Safeguards

Docket Nos. : 50-213, 72-39

Enclosure: Staff Evaluation

cc: Service List

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John Goshen, P. E., Project Manager  
Division of Spent Fuel Storage and Transportation  
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Docket Nos. : 50-213, 72-39

Enclosure: Staff Evaluation

cc: Service List

**ADAMS: MLxxxxxxxxx**

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<b>DATE</b>	07/14/2010	07/14/2010	07/15/2010		

**OFFICIAL RECORD COPY**

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**STAFF EVALUATION**  
Docket Nos. 50-213, 72-39  
Haddam Neck Plant  
Independent Spent Fuel Storage Installation

**1.0 Summary**

By letter dated September 1, 2010, Connecticut Yankee Atomic Power Company (CYAPCO or the licensee) requested exemptions from 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 72.214, pursuant to 10 CFR 72.7. In that letter CYAPCO stated its intent to adopt Certificate of Compliance (CoC) No. 1025, Amendment No. 5 for all 40 NAC-MPC canisters. Adoption of the changes authorized by Amendment No. 5 would allow a visual alternative to Technical Specification (TS) Surveillance Requirement 3.1.6.1 to verify the operability of the concrete cask heat removal system to maintain safe storage conditions and will also remove a specification in the CoC for tamper indicating devices. CoC No. 1025, Amendment No. 5 was authorized by the Nuclear Regulatory Commission (NRC) on July 24, 2007. An evaluation performed by CYAPCO verified that all 40 canisters will fully conform to the terms of CoC No. 1025, Amendment No. 5. CYAPCO also requested to continue the previously granted exemption to deviate from the requirements of Amendment No. 5, Appendix A, TS for the NAC-MPC System, Section A 5.1, Training Program. The exemption from TS Section A 5.1 would relieve CYAPCO from the requirement to develop training modules under the Systems Approach to Training that include comprehensive instructions for the operation and maintenance of the independent spent fuel storage installation (ISFSI), except for the NAC-MPC System. This was approved by the NRC in its letter to CYAPCO dated September 22, 2005 (ADAMS Accession Number ML052660399).

**2.0 Discussion**

The NRC has reviewed the exemption request submitted by CYAPCO and has determined that allowing CYAPCO to apply the changes authorized by Amendment No. 5 of CoC No. 1025 to the casks at the Haddam Neck ISFSI, if approved, would have no significant impact to the environment. In connection with the approval of Amendment No. 5 of CoC 1025, the NRC prepared and published in the Federal Register a Finding of No Significant Impact, based upon an environmental assessment, for the generic use of the changes authorized by Amendment No. 5 (72 FR 26535, 26537, May 10, 2007). The NRC also published a Finding of No Significant Impact, based on an environmental assessment, for allowing CYAPCO to apply the changes authorized by Amendment No. 5 to all 40 NAC-MPC casks at the site (75 FR 34181, June 16, 2010).

**3.0 Conclusion**

The NRC has evaluated the impact to public safety that would result from granting the proposed action. The approval of the proposed action would not increase the probability or consequences of accidents, no changes would be made to the types of effluents released offsite, and there would be no increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action. Additionally the proposed action would not involve any construction or other ground disturbing activities, would not change the footprint of the existing ISFSI, and would have no other significant non-

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radiological impacts. In this regard, and as the ISFSI is located on previously disturbed land, it is extremely unlikely that approval of the proposed action would create any significant impact on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or to essential fish habitat covered by the Magnuson-Stevens Act. Similarly, approval of the proposed action is not the type of activity that has the potential to cause effects on historic or cultural properties, assuming such properties are present at the site of the Haddam Neck Plant ISFSI. On this basis, the staff concludes that the proposed exemption does not pose an increased risk to public health and safety.